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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,282	03/07/2000	Daniel E Lenoski	97437	9726

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EXAMINER

MOORE, IAN N

ART UNIT PAPER NUMBER

2661

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/519,282

Applicant(s)

LENOSKI ET AL.

Examiner

Ian N Moore

Art Unit

2661

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 6/15/04 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1,6,7,9,10,13-18,21 and 22.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


KENNETH VANDERPUYE
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Regarding claim 1 and 21, Sheu disclose the broadcast component, which is a component that utilizes broadcasting functionality. Since the claim does not specifically recites any specific feature or location of this broadcast component, examiner asserts that the broadcast component is a component or medium or element or link or line or bus which performs broadcasting, re-broadcasting, transmitting towards more than location and/or participate in broadcasting, i.e. Sheu's FIG. 3, a combined system of a plurality of switch fabric buses and PE unit. Also, per specification FIG. 4, broadcast component 425 is within switch element SE-2 412. Thus, according to the applicant's own specification, it is clear that the switch element SE-2 is not only a switch element, but also a broadcast component.

Regarding claim 22, examiner acknowledges that the typo graphical error made when referring to the name of the reference. However, the paragraph 1, page 7 of the final office action clearly states "...new claims 21,22, and 25 are rejected under 35 USC 102(b) as being anticipated by Sheu (U.S. 5,848,227). Moreover, the rejected claim 22 cited FIG. 3, three switch fabric buses, BUS 30A-30C, connects to PE unit via BIU 44", and it should be understandable to one who is reviewing Sheu that the referred figure and rejection paragraph clearly states the examiner's interpretation.

Regarding claim 6, Sheu discloses a processing element inside the brouter, which route, bridge, and switched the data packets from plurality of inputs to outputs. Soloway discloses a switch, which route, bridge, and switch the data packets between input and outputs. Regardless of the name, both processing element and switch performs switching, bridging, and/or routing functionality.

Regarding claim 13, Teraslinna discloses a plurality of interconnection networks, each of the plurality of interconnection networks coupled to each of the plurality of input components and to each of the plurality of output components (see FIG. 1, 2) since the claim limitation does not specifically recites any specific order and number of connection or components or network of how each component or connection or network connected in any specific order. Regarding the motivation for modifying Teraslinna in view of lino, the motivation is clearly stated in lino col. 2, line 25-30 and 35-40. lino also discloses the meaning of "weight" and size of the system. The weight of system refers the number of elements (i.e. switches, routers, and etc.) in the network. The more spare switches in the network, the bigger the size of the network will be. Thus, it is well known in the art that, the network operators reduces the weight of the network, by deploying less spare/idle components, thereby reducing the size of the network since there are less spare or idles switches, to buy and implement. The motivation for reducing the weight of the network by not utilizing spare component is well known in the art. An additional evidence can be found in newly cited art (Tanabe, U.S. 5,471,460). Also, note that lino'115 teaches how to overcome a problem of not having a spare switch (i.e. in the absence of the spare switch) in the network by utilizing the routing control tables in order to by pass the malfunction switch. In addition, Teraslinna'990 teaches N+K switch network, where there are N working switches and K standby switches. Teraslinna'990 system does not disclose how to handle the packet switching when K equal to zero, that is, all standby switches are being used and there are no more available standby switches, and the failure/malfunction occurs in the network. lino'115 teaches how to handle such scenario by utilizing the routing table in order to bypass failure/malfunction in the absence of the spare/standby switch or when there is no available spare/standby switch. Thus, lino'115 teaches how to overcome the de-efficiencies of Teraslinna'990, rather than teaching away from it.